Summary

The discussion has enlightened me on various concepts and principles of law, including the burden of proof, the presumption of innocence, and legal and evidential burdens. Each of these concepts is critical in understanding how justice is dispensed in the criminal justice system. Basically, the legal and evidential burdens lie with the prosecution, which has to adduce enough evidence to affirm the case at hand and that the defendant committed a crime. Section 3 *Human Rights Act 1998* reinforces the need for courts to uphold the presumption of innocence as a way of protecting the rights of the accused persons[[1]](#footnote-1). However, in some circumstances, the evidential burden is placed on the defendant through reversed onus. Interference with the presumption of innocence must be justifiable and proportionate for it to hold[[2]](#footnote-2). In essence, in reversed onus, the proportionality principle must be fully upheld to avoid the success of possible appeals that may challenge the justification of reversed burden.

From the discussion, reverse onus affects presumption of innocence by shifting the burden of proof to the defendant, which is acceptable under certain circumstances. However, this does not remove the requirement for the prosecution to prove beyond a reasonable doubt that the defendant committed an offense[[3]](#footnote-3).The debate has also helped to reveal the clash between issues in *reversed onus* and proportionality, which have contributed to some convictions in which reversed burden of proof was applied to be being quashed[[4]](#footnote-4).

1. Article 6 of the European Convention on Human Rights. [↑](#footnote-ref-1)
2. Woolmington v D P P [1935] AC 462 [↑](#footnote-ref-2)
3. R v Lambert [2001] UKHL 37. [↑](#footnote-ref-3)
4. Woolmington –vs- DPP (1935) AC 462 [↑](#footnote-ref-4)